

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA

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| DATABASEUSA.COM, LLC, Plaintiff, v. BLAKE VAN GILDER; INFOGROUP, INC., a Corporation; and KOLEY JESSEN, P.C. L.L.O., Defendants. | CASE NO. 8:17-CV-386 THIRD AMENDED FINAL PROGRESSION ORDER |
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THIS MATTER is before the Court on the parties' joint email motion to amend final progression. (Filing No. 144.) The motion is granted. Accordingly,

IT IS ORDERED that the provisions of the Court's earlier final progression orders remain in effect, and in addition to those provisions, the following shall apply:

- 1) The trial and pretrial conference will not be set at this time. A telephonic status conference to discuss **case progression, the parties' interest in settlement, and the trial and pretrial conference settings** will be held with the undersigned magistrate judge on **November 3, 2020 at 10:00 a.m.** Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) Initial Disclosures. The parties have exchanged Fed. R. Civ. P. 26(a) disclosures on **December 10, 2018** and this satisfies the Initial Progression Order deadline.
- 3) The deadline for completing written discovery under Rules 33, 34, and 36 of the Federal Rules of Civil Procedure is **June 1, 2020** Motions to compel discovery under Rules 33, 34, and 36 must be filed by **June 15, 2020**.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 4) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, (Fed. R. Civ. P. 26(a)(2)(B)), and non-retained experts, (Fed. R. Civ. P. 26(a)(2)(C)), are:

For the plaintiff(s):
For the defendant(s):

July 16, 2020
September 11, 2020

- 5) The deadlines for complete expert disclosures¹ for all experts expected to testify at trial, (both retained experts, (Fed. R. Civ. P. 26(a)(2)(B)), and non-retained experts,(Fed. R. Civ. P. 26(a)(2)(C)), are:

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| For the plaintiff(s): | August 20, 2020 |
| For the defendant(s): | October 14, 2020 |
| Plaintiff(s)' rebuttal: | November 30, 2020 |

- 6) The deposition deadline for lay witnesses is **July 2, 2020** and for expert witnesses is **January 14, 2021**.
- 7) The deadline for filing motions to dismiss and motions for summary judgment is **March 3, 2021**.
- 8) The deadline for filing motions to exclude testimony on Daubert and related grounds is **March 3, 2021**.
- 9) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 10) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 11) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

DATED this 26th day of March, 2020.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge